

Message

From: South, Peter [South.Peter@epa.gov]
Sent: 1/15/2020 1:10:18 PM
To: Cozzie, David [Cozzie.David@epa.gov]; Lassiter, Penny [Lassiter.Penny@epa.gov]
CC: Shine, Brenda [Shine.Brenda@epa.gov]
Subject: Fwd: Background on the Media Inquiry: E&E News and NBC News -PES benzene emissions

Just FYI.

Pete South
SPPD/IO
919 541-5359

Begin forwarded message:

From: "Noonan, Jenny" <Noonan.Jenny@epa.gov>
Date: January 15, 2020 at 8:05:03 AM EST
To: "South, Peter" <South.Peter@epa.gov>
Subject: Background on the Media Inquiry: E&E News and NBC News -PES benzene emissions

As per my VM. Brenda, Kate and I will be on the 9am call today.

From: Beal, Madeline <Beal.Madeline@epa.gov>
Sent: Wednesday, January 15, 2020 7:58 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>
Cc: Davis, Alison <Davis.Alison@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Landis, Jeffrey <Landis.Jeffrey@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>
Subject: RE: Media Inquiry: E&E News and NBC News -PES benzene emissions

I am looking now and have some suggestions. I wasn't on after 530 yesterday so didn't see this until a little while ago.
What was/is the deadline? I am happy to have a call, but my schedule is pretty impacted. I am open until 9:30.

-mads

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, January 14, 2020 7:47 PM
To: Nitsch, Chad <Nitsch.Chad@epa.gov>
Cc: Davis, Alison <Davis.Alison@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Landis, Jeffrey <Landis.Jeffrey@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>; Beal, Madeline <Beal.Madeline@epa.gov>
Subject: Re: Media Inquiry: E&E News and NBC News -PES benzene emissions

+ Madeline

Sent from my iPhone

On Jan 14, 2020, at 7:29 PM, Nitsch, Chad <Nitsch.Chad@epa.gov> wrote:

Just received this from R3 ORC. This is Philadelphia's response to questions from the reporter.

Per your request earlier today, please see the following:

What is the City doing to reduce PES emissions, which actually increased after the explosive fire?

Aside from the hydrocarbons and hydrogen fluoride released during the June 21, 2019 fire, emissions from the PES refinery would be expected to be minimal as the refinery has not restarted operations after the fire. We are aware that EPA has been receiving data from PES fenceline monitors that show elevated levels of benzene. However, data collected at our air monitoring station at 24th and Ritner does not show an increase in benzene in the neighborhood since the fire. It is important to note that both our community monitors and private fenceline monitors measure the levels of a particular chemical in the air, without assigning ownership of these chemicals. As you know, benzene is found in emissions from a variety of nearby industries and is emitted from cars and trucks on highways.

To place this into context, the benzene action level is not an ambient air standard. The fenceline monitors are not intended to provide a measure of benzene levels in the community. Rather, the fenceline monitoring requirements are a development of practices that will provide additional information on the status of emission sources for refineries and the public.

Why hasn't the City done more to address the problem and protect residents -- many of whom are people of color living below the poverty line -- from the carcinogenic gases?

EPA has been the lead agency in regard to the Refinery Sector Rule and in that regard reached out to the City in regard to concerns about PES's Monitoring Plan. As part of its cooperation with EPA, the City received notification of apparent exceedances of the stated benzene action level on June 24, 2019 with the receipt of the Corrective Action Plan. Since then, the City has convened the Refinery Advisory Group, held community meetings, and issued a report on the site. We continue to work with EPA and PES to lower emissions of air pollutants, both in general and specifically with regards to this site. In situations where the Health Department is made aware of emissions or exceedances that the City can issue a Notice of Violation for, that is done.

The Kenney administration has known about the refinery's benzene problem since at least last June, according to its corrective action plan. But members of the Refinery Advisory Group say they weren't informed of the excessive emissions. And people who live around the refinery told us they felt the city wasn't taking into account their views and concerns.

The Health Department did not receive a copy of the Corrective Action Plan, or be notified of EPA's concern with benzene levels, until June 24, 2019, which was after the fire which permanently closed the refinery. As for concerns about the views of the public, the Refinery Advisory Group was created specifically for the purpose of collecting the views and concerns of the entire community, chief among them the people who live near the refinery. The report of the Advisory Group methodically lists their views and as well as others.

Why hasn't the City informed the public and PES bidders of the refinery's benzene problems?

EPA is the lead agency in the application of the Refinery Sector Rule to the PES refinery. The Refinery Sector Rule is a complex rule that requires an entire year's worth of data before a full determination of compliance can even be evaluated. The City received notification of apparent exceedances of the stated benzene action level on June 24, 2019 (three days after the fire) with the receipt of the Corrective Action Plan.

In general, it is a well-known fact that refineries emit benzene during operation. This was communicated to the public via EPA's CEDRI and Envirofacts websites, reported multiple times in the press, and was also acknowledged in the Refinery Advisory Group report. As for bidders seeking to purchase the site, we imagine that any responsible bidder do their due diligence in seeking out this information. It is our understanding that both EPA and DEP have been contacted for this purpose by various potential bidders.

Chad Nitsch

Director, Office of Public Affairs

US Environmental Protection Agency - Region 3 (Mid-Atlantic: WV, VA, PA, MD, DE, DC, and 7 federally recognized tribes)

215-814-5434

On Jan 14, 2020, at 7:17 PM, Davis, Alison <Davis.Alison@epa.gov> wrote:

To clarify: these two –

Adding Isabel Deluca and Jenny Noonan to this thread.

Question 2: Why hasn't EPA done more to address the problem and protect nearby residents -- many of whom are people of color living below the poverty line -- from the carcinogenic gases?

Question 3: Why hasn't EPA, whose regional headquarters are only three miles from the refinery, informed the public about PES's significant benzene problems?

From: White, Terri-A <White.Terri-A@epa.gov>
Sent: Tuesday, January 14, 2020 6:58 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Davis, Alison <Davis.Alison@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>
Cc: Landis, Jeffrey <Landis.Jeffrey@epa.gov>
Subject: Fwd: Media Inquiry: E&E News and NBC News -PES benzene emissions

Ok— so apparently, the reporter posed his questions in more than one follow-up email to Roy. The questions below are the ones Alison has seen. What I had read was questions 2&3 combined.

This (these 2&3) are the ones for which I hoped we could get OAQPS to help draft a response.

Sent from my iPhone

Begin forwarded message:

From: "Stoltzfus, Robert" <Stoltzfus.Robert@epa.gov>
Date: January 14, 2020 at 4:07:53 PM EST
To: "Mastro, Donna" <Mastro.Donna@epa.gov>, "Seneca, Roy" <Seneca.Roy@epa.gov>, "Hall, Kristen" <hall.kristen@epa.gov>, "Augustine, Bruce" <augustine.bruce@epa.gov>, "Melvin, Karen" <Melvin.Karen@epa.gov>
Cc: "Kim, Lena" <Kim.Lena@epa.gov>, "Smith, William (Region 3)" <smith.william@epa.gov>, "White, Terri-A" <White.Terri-A@epa.gov>, "Landis, Jeffrey" <Landis.Jeffrey@epa.gov>, "Nitsch, Chad" <Nitsch.Chad@epa.gov>
Subject: RE: Media Inquiry: E&E News and NBC News - PES benzene emissions

Roy,

If you're looking for general information on the health impacts of benzene, you could consult EPA's Fact Sheet

on Benzene. (Link below.) However, if you want something on the impact of the level of benzene emissions from PES on its neighboring communities, I think you would need to consult OAQPS. While they have been monitoring this information, I doubt that they would have any final analysis ready to be made public.

<https://www.epa.gov/sites/production/files/2016-09/documents/benzene.pdf>

Bob

J. Robert Stoltzfus / US EPA, Region III / Office of Regional Counsel / Mail Code 3RC50 / 1650 Arch Street, Philadelphia, PA 19103 / 215-814-2695 / stoltzfus.robert@epa.gov

From: Mastro, Donna <Mastro.Donna@epa.gov>
Sent: Tuesday, January 14, 2020 4:01 PM
To: Seneca, Roy <Seneca.Roy@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>
Cc: Kim, Lena <Kim.Lena@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Landis, Jeffrey <Landis.Jeffrey@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>
Subject: RE: Media Inquiry: E&E News and NBC News - PES benzene emissions

Are you asking for something like ATSDR on benzene? I think there is a lot of information on harmful effects of benzene even from our Refinery Air rules.

Donna L. Mastro | Deputy Regional Counsel for Enforcement | US EPA Region III ORC | (215) 814-2777 | fax (215) 814-2603

From: Seneca, Roy <Seneca.Roy@epa.gov>
Sent: Tuesday, January 14, 2020 3:38 PM
To: Mastro, Donna <Mastro.Donna@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>
Cc: Kim, Lena <Kim.Lena@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Landis, Jeffrey <Landis.Jeffrey@epa.gov>; Fernandez, Cristina <Fernandez.Cristina@epa.gov>;

Nitsch, Chad <Nitsch.Chad@epa.gov>

Subject: RE: Media Inquiry: E&E News and NBC News -
PES benzene emissions

For question 3, I think we need say more than just point to a website with data... the reporter is asking about community awareness issues. Any suggestions on who would be best to answer questions about whether this is or is not a public health concern?

From: Mastro, Donna

Sent: Tuesday, January 14, 2020 2:54 PM

To: Seneca, Roy <Seneca.Roy@epa.gov>; Hall, Kristen <hall.kristen@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>

Cc: Kim, Lena <Kim.Lena@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Landis, Jeffrey <Landis.Jeffrey@epa.gov>; Fernandez, Cristina <Fernandez.Cristina@epa.gov>

Subject: RE: Media Inquiry: E&E News and NBC News -
PES benzene emissions

Can we answer ONE and TWO with the standard response about NOT commenting on ongoing matters? As to NUMBER 3, I believe the benzene emissions data is available to the public. Bruce or Kris from ECAD should be able to provide that .

Donna L. Mastro | Deputy Regional Counsel for
Enforcement | US EPA Region III ORC | (215) 814-2777 |
fax (215) 814-2603

From: Seneca, Roy <Seneca.Roy@epa.gov>

Sent: Tuesday, January 14, 2020 2:31 PM

To: Hall, Kristen <hall.kristen@epa.gov>; Augustine, Bruce <augustine.bruce@epa.gov>; Melvin, Karen <Melvin.Karen@epa.gov>

Cc: Mastro, Donna <Mastro.Donna@epa.gov>; Kim, Lena <Kim.Lena@epa.gov>; Stoltzfus, Robert <Stoltzfus.Robert@epa.gov>; Smith, William (Region 3) <smith.william@epa.gov>; White, Terri-A <White.Terri-A@epa.gov>; Landis, Jeffrey <Landis.Jeffrey@epa.gov>; Fernandez, Cristina <Fernandez.Cristina@epa.gov>

Subject: Media Inquiry: E&E News and NBC News -PES
benzene emissions

Importance: High

Kris, Bruce and Bob – Here is another inquiry from the same reporter with some additional questions. Here are the questions we need to answer. Reporter is asking for a response today. Thanks for any help you can provide:

Hi, I'm working on a story with NBC News about public health dangers posed by the consistently high benzene emissions from the PES refinery that's set to run Wednesday morning.

EPA data show that the refinery exceeded the benzene emissions limit for all but 12 weeks from the end of January 2018 to late September 2019 -- an 86-week span. For the most recent quarter, the refinery's average annual benzene emissions were also 49 micrograms per cubic meter. That was higher than any other refinery that reported data to EPA and five times above the agency's benzene "action level." Former EPA officials say the action level isn't sufficiently protective of public health and that EPA should have done more to ensure the refinery stays well below that emission threshold.

Question 1: What is EPA doing to reduce the PES emissions, which actually increased after the explosive fire?

Question 2: Why hasn't EPA done more to address the problem and protect nearby residents -- many of whom are people of color living below the poverty line -- from the carcinogenic gases?

Question 3: Why hasn't EPA, whose regional headquarters are only three miles from the refinery, informed the public about PES's significant benzene problems?

From: Corbin Hiar <chiar@eenews.net>
Sent: Monday, January 13, 2020 7:29 PM
To: R3Press <R3Press@epa.gov>
Cc: Lisa Riordan Seville <lriordanseville@gmail.com>
Subject: Request for comment on PES benzene emissions from E&E and NBC

Hi, I'm working on a story with NBC News about public health dangers posed by the consistently high benzene emissions from the PES refinery that's set to run Wednesday morning.

EPA data show that the refinery exceeded the benzene emissions limit for all but 12 weeks from the end of January 2018 to late September 2019 -- an 86-week span. For the most recent quarter, the refinery's average annual benzene emissions were also 49 micrograms per cubic meter. That was higher than any other refinery that reported data to EPA and five times above the agency's benzene "action level." Former EPA officials say the action level isn't sufficiently protective of public health and that EPA should have done more to ensure the refinery stays well below that emission threshold.

What is EPA doing to reduce the PES emissions, which actually increased after the explosive fire? Why hasn't EPA done more to address the problem and protect nearby residents -- many of whom are people of color living below the poverty line -- from the carcinogenic gases? Why hasn't EPA, whose regional headquarters are only three miles from the refinery, informed the public about PES's significant benzene problems?

Please get back to us with any comments by the end of Tuesday, Jan. 14.

Thanks,
Corbin

Corbin Hiar
E&E News Reporter
O: 202 446 0438

M: 718 608 5314

T: [@corbinhiar](https://www.instagram.com/corbinhiar)

Contact me securely via Signal, WhatsApp or
corbin.hiar@protonmail.com

E&E NEWS

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Energywire